

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Jordan School District Park/Pavilion use.

**SUMMARY:** Jordan School District elementary teacher retreat Park Use

**FISCAL  
IMPACT:** Fees are \$70.00

**STAFF RECOMMENDATION:**

Staff is looking for direction from council.

**MOTION RECOMMENDED:**

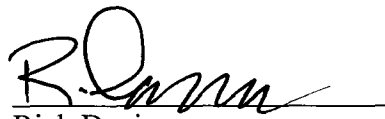
"I move to approve the waiver of fees and services for the Jordan School District on August 20, 2014."

Roll Call vote required

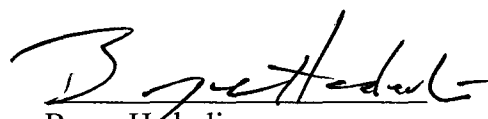
**Prepared by:**

  
Julie Brown  
Events Coordinator

**Recommended by:**

  
Rick Davis  
City Manager

**Reviewed By:**

  
Bryce Haderlie  
Assistant City Manager

## **BACKGROUND DISCUSSION:**

### **3-4-1: WAIVER OF FEES AND FINES, GENERALLY:**

For purposes of this chapter, "waiving" an amount also means writing off, forgiving and/or compromising such an amount. Any fees or other monies legally required by this code to be paid to the city may not be waived, unless:

- A. City Attorney Determination: Determined by the city attorney to be legally uncollectible.
- B. City Manager Authority: Any fee, fine, interest, penalty or other money legally required by this code to be paid by a citizen, applicant or respondent to the city in connection with a city provided service or a license/permit may be waived by the city manager:
  - 1. Value For Value Settlements: If the waiver of fees or claims confers a substantially equivalent benefit on the city consistent with law, provided that any such waiver/forgiveness of an amount exceeding fifteen thousand dollars (\$15,000.00) must be approved by the city council; or
  - 2. Rectifying Errors: In an amount not to exceed five hundred dollars (\$500.00) in any one instance, to rectify an alleged error by city personnel or to rectify any other perceived inequity.
  - 3. Doubtful/Uncollectible Amounts: Once the city has made reasonable efforts to collect an unpaid fee, fine, interest, penalty or other money legally owed to the city, or has otherwise determined in good faith that the amount is practically uncollectible; provided that any amount totaling more than one thousand dollars (\$1,000.00) per account may not be waived without city council approval.

The city manager may delegate some or all of this authority to department heads and other managers in city government by administrative directive.

- C. Support Of Charitable Entities: After following the procedures required by Utah code section 10-8-2(2) or any successor provision, the city council may waive fees otherwise due to the city, and may otherwise provide financial and nonfinancial support to a charitable entity providing services to the citizens of the city.
- D. Settling Litigation And Prelitigation Claims By Or Against The City: A claim made by or against the city may be compromised, in whole or in part, without city council approval, up to an amount payable by, or to be paid to, the city of fifteen thousand dollars (\$15,000.00), if the city attorney determines that such a compromise is in the best interests of the city. Notwithstanding the foregoing, prior to settling any claim by or against the city, the mayor shall be notified of any claim over five thousand dollars (\$5,000.00), and if deemed necessary the mayor shall call a special/emergency council meeting. (2001 Code § 1-1-120; Ord. 09-19, 7-14-2009)

Pursuant to City Code Section 3-4-1, the City Council may waive fees otherwise due to the City, and may otherwise provide financial and nonfinancial support to a nonprofit entity providing services to the citizens of the City, if the City complies with section 10-8-2 of the Utah Code. Section 10-8-2 limits the charitable contribution to a nonmonetary contribution, such as fee waivers and City services. It also limits the total charitable contributions for the fiscal year to 1% of the City's budget for that fiscal year and requires a public hearing prior to approval.

Jordan School District is a nonprofit corporation and requesting nonmonetary contributions for their elementary school teachers retreat valued at \$70.

In the past Jordan School District has charged the City only for staffing when we've requested use of their facilities. The City would not be using any additional staffing or services for their reservation and not require any additional fees. Because of this staff feels it is appropriate to accept their request and use of the Large Pavilion in Veteran's Memorial Park.

## Julie Brown

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**From:** Jill Durrant <jill.durrant@jordandistrict.org>  
**Sent:** Tuesday, August 05, 2014 2:33 PM  
**To:** Julie Brown  
**Subject:** Fee Waiver for Pavilion Use

Julie,

I am an administrator in Jordan School District office. Teri Timpson and I are working intensely this coming year with three West Jordan elementary schools (Majestic, Heartland, and Westvale) in order to help improve student achievement. It will require more of teachers and administrators than ever before. We are hoping to do a big kick-off with all teachers and administrators of those schools before the year begins. There will be approximately 75 people involved. We would like to hold that event at the big pavilion in West Jordan Park on August 20, 2014, from 2:00 pm until 5:00 pm. I am writing to inquire if it would be possible to waive the fees that are normally associated with pavilion use. We would appreciate any help that you could give us.

Thank you so much for your consideration.

Jill Durrant

P.S. I have not turned in the Park Use Application/Permit yet. Will you please guide me on how to proceed from here? Thanks Julie!

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Jill Durrant, Staff Assistant  
Administrator of Schools  
Jordan School District  
801-567-8165